

REMARKS

The Examiner's action dated November 03, 2004, has been received, and its contents carefully noted.

In order to advance prosecution, original claims 1-4 have been canceled and replaced by new claims 5-7, drafted to more clearly define the contribution of the invention over the prior art.

The present invention is directed to a novel transceiver, such as a walkie talkie, that is better suited than known transceivers for use under severe conditions, such as when a user must jump from a helicopter into the ocean. For this purpose, the invention provides a waterproof transceiver having a main body portion containing the required transmission and reception electronics, a sound input/output portion containing speakers and microphones, and a PTT switch, wherein the input/output portion and the switch are formed into independent units from the main body portion so that each component can be carried at a convenient location on the user's body. The transceiver further includes waterproof cables interconnecting the switch, the input/output portion and the main body portion.

In further accordance with the invention, the input/output portion includes a bone conduction type speaker and a bone conduction type microphone each completely enclosed

in a case, as described in the Specification at page 3, lines 12-15.

The value of the present invention has been demonstrated by the fact that transceivers according to the invention are presently being used by U.S. forces in the field, as shown in the attached photographs. Photograph 2 shows a salvage training exercise in which the main body portion of the transceiver for transmission and reception of the radio signal is secured to the user's back and the sound input/output portion is fitted to the user's head with the aid of a headband, as shown in photograph 1. As can be seen, the transceiver is exposed to extreme conditions requiring good impact and water resistance.

Each of the applied references discloses a transceiver having a PTT switch, voice input/output components and a main body, each separately housed. However, neither of these references discloses a waterproof transceiver or a transceiver in which the components are connected by waterproof cables or a transceiver having a bone conduction type speaker and a bone conduction type microphone each completely enclosed in a case. All of these features are now defined in new independent claim 5.

None of the features mentioned above is disclosed in either of the applied references. Since neither of the

references discloses any of the above-cited features now contained in new independent claim 5, it is clear that those references cannot be considered to anticipate claim 5.

New independent claim 5 also distinguishes patentably over any combination of the teachings of the references relied upon to support the rejection presented in section 8 of the Action.

Although the secondary reference relied upon in that rejection, Alcivar, does disclose the possibility of using a bone conduction headphone in an underwater communications system, no disclosure has been found in that reference of the use of a bone conduction microphone. In particular, the passages of the reference specification specifically cited by the Examiner do not mention such a microphone. This reference does disclose a throat microphone 54 that is a tissue-conduction microphone, which is different from a bone conduction microphone.

Furthermore, the secondary reference does not disclose any of the other above-listed novel features of claim 5. Accordingly, this claim defines patentably over the references relied upon to support the rejection in section 8 of the Action.

In view of the foregoing, it is requested that the rejections of record be reconsidered and withdrawn, that

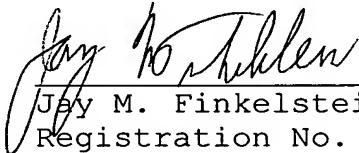
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claims 5-7 be allowed and that the Application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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**Amendments to the Drawing:**

Figure 1 has been amended to include the reference numeral 5, which was previously omitted from the original drawing sheet. The attached replacement sheet of drawings reflects this change and replaces the original drawing sheet that included Figure 1.

Attachment: Replacement Sheet